

**THE LABOR COMMISSION  
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Wednesday, April 10, 2013 – 12:00 P.M.  
Room 319, Heber M. Wells Bldg.  
Salt Lake City, Utah**

**The following Advisory Council members were in attendance:**

David Bird, Esq., Parsons Behle and Latimer  
Dennis Lloyd, Workers Compensation Fund  
Brian Kelm, Esq.  
Richard J. Thorn, President/CEO, Associated General Contractors - Utah Chapter  
Edward Holmes, M.D., Summit View Medical  
Brandon Dew, Central Utah Federation of Labor  
Jeff Rowley, Salt Lake County  
K. Dawn Atkin, Esq., Atkin & Associates  
Tracey Klausmeier, Utah Dept of Insurance  
Kathleen Bissell, Liberty Mutual  
Dave Davis, President, Utah Food Industry Association  
Todd Kiser, Insurance Department

**The following Advisory Council members were excused:**

Brandt Goble, Painters and Tapers Local 77  
Reo Castleton, President, SL Cnty Fire Dept Local 1696  
Todd Bingham, President, Utah Manufacturers Association  
Sen. Karen Mayne  
Rep. Jim DUNnigan

**Others Present:**

Sherrie Hayashi, Commissioner  
Alan Hennebold, Deputy Commissioner  
Ron Dressler, Director, Division of Industrial Accidents, Labor Commission  
Maggie Karpeck, NCCI  
David Lamb, Utah Labor Commission, Administration Division Director  
Sara Danielson, Utah Labor Commission, Administrative Assistant  
Stan Mead, Gallaher Settlement  
Heather Gunnarson, Labor Commission Adjudication Division  
Julie Clark, State Risk Management  
James Brown, State Risk Management  
Ty Berrett, RMTS  
Ryan Andrus, WCF  
Tracy Klausmeier, Insurance Dept.  
Tonya Gallegos, Labor Commission, Industrial Accidents  
Wendy Reves, Insurance Dept.  
Jodi Smith, Intermountain Healthcare

**WELCOME**

**Welcome –Commissioner, Sherrie Hayashi** brought the meeting to order at 12:05 p.m. She requested introductions because of new members being present. She explained that Alan Hennebold is retiring as of April 12, 2013. Jaceson Maughn will be taking Alan's position and begin work on April 15, 2013. She expressed thanks to Alan for his years of service to the Commission.

### **1. Miscellaneous Business:**

Commissioner Hayashi asked if there were any corrections to the minutes from the Council's January 9, 2013, meeting. No corrections were made. She stated that the minutes from the two special meetings in February, would be distributed and a vote to approve all pending minutes would be taken at the next meeting.

### **2. 2013 -2014 Medical Fee's**

Commissioner Hayashi turned the time over to Ron Dressler to discuss the recommendations of the Medical Fee Committee. Ron asked Dr. Edward Holmes to present the recommendations. Dr. Holmes reviewed a slide presentation of where the Workers' Compensation payments are in relationship to other payers of medical claims. (See handouts). Dr. Holmes stated that the Medical Fee Committee recommends that the conversion factors remain the same with the exception of Anesthesia. Anesthesia is recommended to be raised to \$50 per unit.

Dawn Atkin made a motion to approve the recommendations of the Medical Fee Committee of leaving all conversion factors the same but raising anesthesia to \$50 per unit effective December 31, 2013. Brian Kelm seconded the motion. Voting was unanimous in the affirmative.

Jeff Rowley asked for discussion on whether the Commission should pursue setting a fee schedule for hospitals and possibly pharmaceuticals. Discussion was held. Dave Davis made a motion to have Dr. Colledge recommend a process of how to handle /study this issue. David Bird seconded the motion. Voting was unanimous in the affirmative.

### **3. Legislation and Rules:**

Alan Hennebold distributed a handout listing the various bills that were passed during the 2013 legislative session. He reviewed the highlights of several of the bills affecting the Commission.

Dennis Lloyd requested that DHRM be asked to come to the council meeting to present their position on the ALJ evaluations every 4 years and Commission evaluations annually.

Sherrie asked if there were any suggestions for the 2014 legislative session. Dawn Atkin suggested a penalty provision for carriers/employers that do not pay the ordered benefits within 30 days. She also suggested setting a time frame for the authorization process when pre-authorization is required.

Ron Dressler presented a proposed rule change that is/will be required by SB147 relating to reporting of claims to the Commission. Discussion was held. Dave Bird made a motion to strike the last proposed paragraph relating to penalties and approve the remaining. A revised last paragraph that incorporates the Division's anticipated gradation of penalties assessed and the delay in implementation should be circulated and an email vote taken. Jeff Rowley seconded the motion. Voting was unanimous in the affirmative.

### **4. Labor Commission Budget/Premium Surcharge Funds –**

David Lamb distributed the financial sheets for the UEF, ERF, IARA, and the Workplace Safety Account.

Ron Dressler explained that the Division is working with the Tax Commission to review the self-insured premium assessment and collection discrepancies.

### **5. Other Business –**

Dave Lamb informed the Council that the Commission has created a COOP Plan (an emergency plan).

Commissioner Hayashi reminded the members of the rest of the meetings scheduled for 2013. She particularly highlighted the September meeting.

Meeting adjourned at 2:05 pm.